

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	
	:	Administrative Action
Dana Myers, L.P.N.	:	
License No. 26NP06358900	:	FINAL ORDER
	:	OF DISCIPLINE
TO PRACTICE NURSING	:	
IN THE STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Dana Myers, L.P.N. ("Respondent") is a licensed practical nurse in the State of New Jersey and has been a licensee at all relevant times.

2. On or around May 30, 2012, Respondent completed an online biennial license renewal application, which asked "Will you have completed the required continuing education credits by

May 31, 2012," referring to the thirty hours of continuing education required during the June 1, 2010 - May 31, 2012 biennial period. Respondent answered "yes" and certified that answer to be true by submitting the online application.

3. On October 8, 2013, the Board received information indicating that Respondent was arrested on October 7, 2013 by the Millville Police Department and charged with assault, in violation of N.J.S.A. 2C:12-1 and criminal mischief with damage, in violation of N.J.S.A. 2C:17-3A(1).

4. On October 11, 2013, the Board sent Respondent a letter of inquiry via regular and certified mail requesting certain information about the arrest, nursing employment and certificates of completion of all credits earned during the previous three years.

5. The certified mailing was "Undeliverable" and the regular mailing was not returned.

6. Respondent has failed to respond to the inquiry.

CONCLUSIONS OF LAW

Respondent's failure to respond to the Board's inquiry constitutes a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2 and 1.3, which the Board deems professional misconduct within the meaning of N.J.S.A. 45:1-21(e), and also subjects Respondent to disciplinary action

pursuant to N.J.S.A. 45:1-21(h).

Pursuant to N.J.A.C. 13:37-5.3(b), a nurse shall complete a minimum of 30 hours of continuing education per biennial period. Falsification of any information submitted on the renewal application may result in penalties and/or suspension or revocation of license. N.J.A.C. 13:37-5.3(a). Additionally, a registered professional nurse or licensed practical nurse shall maintain continuing education compliance documentation for a period of four years after completion of the hours and shall submit such documentation to the Board upon request. N.J.A.C. 13:37-5.3(f).

Respondent failed to demonstrate, to the satisfaction of the Board, that Respondent completed any continuing education required for the June 1, 2010 - May 31, 2012 biennial renewal period. Respondent's failure to complete 30 hours of continuing education during the June 1, 2010 - May 31, 2012 biennial period constitutes a violation of N.J.A.C. 13:37-5.3, which the Board deems professional misconduct within the intendment of N.J.S.A. 45:1-21(e) and also constitutes a violation or failure to comply with a regulation administered by the Board within in the intendment of N.J.S.A. 45:1-21(h).

Further, the Board finds that Respondent's submission of her 2012 renewal, wherein she answered affirmatively that she had completed, or would complete, the required continuing education, when she did not complete the required continuing education, constitutes the use or employment of dishonesty, deception, or misrepresentation within the intendment of N.J.S.A. 45:1-21(b).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on July 2, 2014, provisionally suspending respondent's nursing license, and imposing a reprimand and a total of 7250.00 in civil penalties. A copy of the Order was served upon respondent by certified and regular mail at her address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Ms. Myers responded to the Provisional Order and provided the information requested in full to the Board's original letter

of inquiry. Respondent also provided documentation of timely-completed continuing education both for the 2010-2012 licensing cycle and the 2012-2014 licensing cycle. The Board therefore determined that suspension was no longer applicable, and that the reprimand for misrepresentation on her renewal application, and the \$250 civil penalty for the failure to timely complete continuing education requirements were unwarranted. However, the Board further determined that respondent's initial failure to respond to the Board's inquiry, necessitating the filing of the Provisional Order, was an appropriate basis for imposition of the \$500 civil penalty.

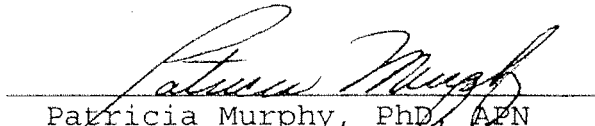
ACCORDINGLY, IT IS on this 21st day of October, 2014,

ORDERED that:

1. A civil penalty in the amount of five hundred dollars (\$500.00) is hereby imposed upon Respondent for failure to cooperate with a Board investigation. Payment shall be made by certified check or money order payable to "State of New Jersey," delivered to George Hebert, Executive Director, State of Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Payment shall be made no later than fifteen (15) days after the entry of this order. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with

N.J.S.A. 45:1-24 and the Board may bring such other proceedings
as authorized by law.

NEW JERSEY STATE BOARD OF NURSING

By: 
Patricia Murphy, PhD, APN
Board President